

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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RONALD LIPTON and BRETT LIPTON,

Plaintiffs,

- against -

JOHN WOOTON, KEVIN LANE, EDWIN BREWSTER,
THE TOWN OF WOODSTOCK, TOWN OF SAUGERTIES, GREG
HULBERT, Chief of the Town of Saugerties Police
Department and JOHN DOE, an unidentified
Town of Saugerties Police Officer.

Defendants.

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EXAMINATION BEFORE TRIAL

of the Plaintiff, BRETT LIPTON, held on Friday,
August 23, 2002, commencing at 10:10 a.m., at the
offices of Robert N. Isseks, Esq., 6 North Street,
Middletown, New York 10940, before Marjorie
Speckhardt, a Shorthand Reporter and Notary Public in
and for the State of New York.

1		BRETT LIPTON	54
2	Q.	Is that a hard case?	
3	A.	Some type of cloth case just to hold the	
4		shotgun.	
5	Q.	Was it a soft piece of cloth?	
6	A.	May have been. I don't remember. It was in a	
7		case.	
8	Q.	Was that the case it was normally in every time	
9		you had seen the shotgun?	
10	A.	Yes.	
11	Q.	Can you describe the case that came with that	
12		shotgun?	
13	A.	I believe it was some type of carrying case.	
14		May have been a cloth or hard rubber case. I	
15		don't remember. I haven't seen it in a long	
16		time. Since the incident.	
17	Q.	What color was the case?	
18	A.	I don't recall.	
19	Q.	About what time did you and your father leave	
20		your home on February 14 to begin your trip to	
21		Ulster County?	
22	A.	I don't remember.	
23	Q.	What was your destination?	
24	A.	Ulster.	
25	Q.	Where in Ulster county?	

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BRETT LIPTON

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A. I don't remember. He may have. I don't

3

remember. What was between them was between

4

them.

5

Q. I'm just asking if he told you one of the

6

reasons you were going to Saugerties was

7

also to look for Paula?

8

A. Yes.

9

Q. He did tell you that?

10

A. Yes.

11

Q. You knew she lived in the Saugerties area?

12

A. In that area, yes.

13

Q. From the time Paula left until you left for

14

Saugerties had you had any contact with Paula?

15

A. No.

16

Q. Do you know if your dad did?

17

A. No.

18

Q. Do you know about any other contacts your dad

19

may have had with the Saugerties Police

20

Department before February 14, 1999?

21

A. No, not that I remember now.

22

Q. Had you ever heard the name Hulbert before you

23

drove up to the Saugerties Police Department on

24

February 14?

25

A. No.

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1 BRETT LIPTON

2 MR. SMITH: You mean a physical
3 contact with a lawyer as opposed to a
4 telephone call?

5 Q. We'll start with an in person visit.

6 A. Yes.

7 Q. And who was that?

8 A. I'm trying to remember, it's either Tom
9 Pietro or Mike Catalinotto.

10 Q. At any time while you were in the Ulster
11 County Jail before being released on the
12 17th, did you learn that there was a warrant
13 lodged with the Ulster County Jail officials
14 arising out of charges in Newburgh?

15 A. Did I learn when?

16 Q. While you were still in the Ulster County
17 Jail up through the 17th that a warrant had
18 been lodged with the jail officials?

19 A. No.

20 Q. When did you for the first time learn that
21 there was a warrant for your arrest?

22 A. When I was being released on the 17th from
23 the Woodstock charges.

24 Q. You were released on your own recognisance on
25 the Woodstock charges?

1 BRETT LIPTON

2 A. Yes.

3 Q. And immediately taken into custody on other
4 charges by the State Police?

5 A. Yes.

6 Q. And up until that moment you were unaware or
7 were you unaware that there were other
8 charges pending against you?

9 MR. SMITH: Give me that question
10 again.

11 Q. Up until the time the State Police in the
12 Town of Woodstock court on the 17th took you
13 into custody, were you unaware of the fact
14 that other charges had been filed against
15 you?

16 MR. SMITH: Before you answer this
17 question, let me note that I have a
18 continuing objection to all of these
19 questions in terms of their admissibility and
20 relevance. But go ahead, you can answer them
21 now.

22 A. I found out when I was in Woodstock court.

23 Q. And who told you that?

24 A. I believe it was the judge.

25 Q. When your case was called that night at the

1 BRETT LIPTON

2 Woodstock court, were you and your father
3 brought to the front of the courtroom?

4 A. Yes.

5 Q. And you had your attorney present with you
6 and did someone from the District Attorney's
7 Office present with you at the front of the
8 courtroom?

9 A. Yes.

10 Q. Did you hear any conversation between either
11 your attorney and the district attorney or
12 the judge regarding the charges?

13 A. I was out of it from not eating right, just
14 that there were -- my lawyer saying that the
15 shotgun was legal and it can be measured, we
16 can settle this whole thing. Even though my
17 client is being released, it's still
18 available for scrutiny, you can look at it.
19 Just a conversation like that. But other
20 than that, no.

21 Q. What, if anything, do you recall the district
22 attorney saying?

23 A. I don't recall.

24 Q. Who made the application that you be released
25 on your own recognizance without bail?

1 BRETT LIPTON

2 A. It was my lawyer, if I'm not mistaken.

3 Q. And did the district attorney make any
4 comment regarding that application or did you
5 agree with it, did he oppose it?

6 A. I don't recall.

7 Q. Do you recall what the judge said, if
8 anything, in response to the application from
9 your lawyer that you be released without
10 bail?

11 A. I don't recall.

12 Q. Do you recall if there was any discussion
13 about the resolution of the charges pending
14 against you, gun charges, by what's known as
15 an ACD? Do you know what ACD is?

16 A. Yes, adjournment in contemplation of
17 dismissal.

18 Q. Do you recall if there was any discussion of
19 that in the courtroom before you were taken
20 into custody by the State Police?

21 A. Like I said, I was out of it, I hadn't eaten,
22 hadn't showered, I don't recall.

23 Q. When you say you hadn't eaten, were you
24 denied regular meals or is your reference to
25 you didn't get stuff from the commissary that

1 BRETT LIPTON

2 you wanted?

3 A. The commissary. And the threats were made,
4 like I said, Patrolman Wooton, we'll make it
5 tough in there and it was kind of scary to
6 eat anything.

7 Q. So they brought you your food and you didn't
8 eat it?

9 A. Whatever was there, and I'm no expert to see
10 if there's any broken glass or anything in
11 there, whatever I could eat.

12 Q. So you are saying you didn't eat everything
13 they gave you because you were afraid it
14 might have been tainted?

15 A. Yes.

16 Q. And you were afraid that maybe Officer Wooton
17 had asked them to taint your food?

18 A. Yes.

19 Q. Do you recall approximately what time it was
20 on the 17th that you were released on the
21 Woodstock charges and taken into custody by
22 the State Police?

23 A. I don't recall.

24 Q. Where were you taken by the State Police?

25 A. To their jurisdiction, wherever that was.

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2 Might have been the Town of Highland state
3 barracks, I don't recall.

4 Q. How long did you stay in custody of the State
5 Police or in custody on the charges that the
6 State Police arrested you on?

7 MR. SMITH: The same continuing
8 objection, but go ahead.

9 A. It was the very next day, I believe -- repeat
10 that again.

11 Q. How long were you in custody on the charges
12 that the State Police arrested you on?

13 A. I was in Woodstock Sunday, Monday, Tuesday,
14 Wednesday. I believe I went to Orange County
15 Jail Thursday.

16 Q. You slept overnight in the Orange County
17 Jail?

18 A. Yes.

19 Q. And what time on the 18th were you released?

20 A. I don't recall.

21 Q. Was bail set?

22 A. Yes.

23 Q. How much?

24 A. I believe, if I'm correct, it was \$500.

25 Q. And was your father also in the Orange County

1 BRETT LIPTON

2 Jail?

3 A. Yes.

4 MR. SMITH: Same continuing
5 objection.

6 Q. Were you similarly in some type of segregated
7 housing because of your background when you
8 were in the Orange County Jail as you were in
9 the Ulster County Jail?

10 A. Yes, I was in separate cells, yes.

11 Q. Separate cells from your dad?

12 A. Correct.

13 Q. Were you also in lock down status?

14 A. Yes, I was.

15 Q. Did you have any conversation with any Orange
16 County correctional officials about anything
17 that had occurred in Woodstock and the
18 charges that were pending against you in
19 Woodstock?

20 A. I don't recall.

21 Q. When did you learn for the first time that
22 the Woodstock police acknowledged that the
23 gun was legal?

24 A. After four, five months of going to and from
25 Woodstock with the gun in possession all the